

The University of Chicago

THE ORGANIZATION AND PERSONNEL
OF THE NEBRASKA RAILWAY
COMMISSION

A PART OF A DISSERTATION SUBMITTED
TO THE FACULTY OF THE DIVISION OF
THE SOCIAL SCIENCES IN CANDIDACY FOR
THE DEGREE OF DOCTOR OF PHILOSOPHY

DEPARTMENT OF POLITICAL SCIENCE

1932

By
LAWRENCE LOGAN DURISCH

Private Edition, Distributed by
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CHICAGO, ILLINOIS

Reprinted from
JOURNAL OF LAND AND PUBLIC UTILITY ECONOMICS
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The Organization and Personnel of the Nebraska Railway Commission

By L. L. DURISCH

The Administrative Agency

THE responsibilities involved in the regulation of public utilities make it desirable to place the organization of the Commission upon the highest standards of public administration. In regard to some of these standards there is substantial agreement; others are still matters of controversy.

The matter of the position of the administrative agency in the state government is of present importance. The Nebraska Commission is relatively free from executive control, and is touched by the Legislature and by the voters only periodically. The judicial system exercises the only constant control over the Commission.

The movement for the reorganization of state government, starting in Illinois in 1917, has been forced to face the problem of whether the principles of reorganization shall be applied to public utility commissions. When Nebraska reorganized her administration in 1919, the State Railway Commission was left as an independent agency, although many boards and commissions were replaced by departments under single-headed control. Even states such as Illinois and Ohio, which went farther in the direction of consolidation, have left their Commissions free from active con-

trol by the executive. Washington has centralized control in a department, headed by a director assisted by supervisors. When acting in a quasi-judicial capacity, the signatures of two of this departmental board are necessary.

Oregon has recently gone the entire way and created a department of public utilities consisting of a single commissioner, appointed by and removable at the discretion of the Governor.¹ There is no agitation for a similar organization in Nebraska, either from the critics or defenders of the present system, perhaps because it is impossible to predict the type of governor Nebraska will elect. Governors have ranged in opinion from the most conservative to advocates of a wide extension of public ownership. Neither group in the State at present would care to put utility control directly under the Governor.

The advantages of a single-headed agency lie in the fact that a well-trained, experienced individual might easily be more efficient than any group or commission. The disadvantages are that continuity of policy is less likely and that many believe quasi-judicial and quasi-legislative functions to be better performed by a group than by an individual.² At present it seems likely that the Nebraska Commission will continue

¹ See Paul V. Betters, "The Case For and Against the One-Man Utility Commission," 8 *Public Utilities Fortnightly* 208-18 (1931).

² See Leonard D. White, *Introduction to the Study of Public Administration* (New York: Macmillan Co., 1926), p. 60; W. F. Willoughby, *Principles of Public Administration* (Baltimore: Johns Hopkins Press, 1927), p. 120; Walter F. Dodd, *State Government* (New

York: Century Co., 1928), p. 256; but cf. Betters (*op. cit.*, p. 208), who, emphasizing the administrative aspect of regulation, states: "There is an unmistakable trend among students of government structure and functioning for abolition of the almost universal system of Commission regulation of public utilities and the substitution thereof [therefore] of a single-headed regulatory agency."

as an independent agency free from executive control for some time to come.

*Requirements and Qualifications
for Membership*

The railway commissioners of Nebraska are constitutional officers, but their qualifications are established by statute, the Constitution merely providing that the three members shall be chosen at the general election.³ Statutory requirements have been set up, but they are few and simple. Members of the Commission must be resident citizens of the State and qualified voters. They must not be less than 30 years of age, or in any way or manner pecuniarily interested in any of the corporations subject to Commission regulation. Should any commissioner obtain such an interest while serving on the Commission, he must at once resign.⁴ Unlike some of the other states, Nebraska has no requirement of technical knowledge or experience.

Nebraska is one of the group of mid-western and southern states which have established elective commissions. The term of office is six years, which in comparison to the other state offices is relatively long. A continuing commission is secured by having one member elected every two years. In spite of untimely resignations, there has always been at least one experienced member on the Commission and, with the exceptions of the years 1919 and 1927, there have always been two incumbents with four or more years' service, each time a new member entered upon his duties.

No serious attempts have been made to have the commissioners appointive

instead of elective officers, although most authorities seem to prefer the former method of securing public service commissioners. Probably many elected commissioners are supersensitive to the demands of uninformed voters, but the charge is also made that appointive commissions tend to grow aloof and become more responsive to demands from the companies than considerate of public interests.⁵ It is thus impossible to say that either method would work the better under all circumstances.

The Nebraska commissioners are not subject to removal by administrative act, nor is there a provision for removal by recall. They are removable, however, by impeachment,⁶ or a proceeding may be brought by the attorney general to declare the office vacant or forfeited if an incumbent shall have become a stockholder in a utility company, moved from the State, or disqualified himself as an elector. In 1918 an action in the nature of a quo warranto was brought in the Supreme Court of the State to oust the Railway Commissioners for failure to give an official bond. It was admitted that no bond was given, but the Court decided that the provisions requiring bonds for certain state officers did not apply to members of the Commission. The Legislature could not require bonds of constitutional officers.⁷

With but one exception the men who have served on the Commission have had university training, the great majority being university graduates. Most of the Commissioners had attained a limited degree of political prominence before their election to the regulatory body, but it is significant that none had held an

³ Constitution, Art. IV, § 20.

⁴ Session Laws of 1907, p. 312.

⁵ Morris Llewellyn Cooke, *Public Utility Regulation* (New York: Roland Press, 1924), p. 195.

⁶ The unique Nebraska procedure provides for the

voting of the impeachment charges by a joint session of the House of Representatives and the Senate, and a trial before the Supreme Court of the State. (Constitution, Art. III, § 17.)

⁷ *State of Nebraska ex rel. Shields v. Hall*, 170 N. W. 173 (1918).

important state executive office prior to their service on the Commission.

The membership of the Commission has been dominated by lawyers and newspaper men. This is probably because both classes have the political influence necessary to gain election. Lawyers have at all periods in our history shown much versatility, partly because of their experience in weighing evidence and in familiarizing themselves quickly with problems presented to them.

Bankers are also not out of place on regulatory bodies, and several have served on the Nebraska Commission. Engineers possess technical knowledge that would be of value to a commission,⁸ but Nebraska has never had a commissioner with engineering training.

The lone physician who has served on the Nebraska Commission might seem to be not especially suited for such work. This particular commissioner was able to bring to the regulatory body long experience in public affairs, including distinguished service as the mayor of Lincoln. After all, the formal training of a commissioner is not as important as that he shall be intelligent, fair-minded, and anxious to perform the duties of his office to the best of his ability. With these qualifications a commissioner is able to rely on the staff for advice in technical matters.

Campaigns and Elections

The size of the Commission was fixed at three members, this number being the most common in the various state utility commissions. States with ap-

pointive commissions often require that the members shall not all be from the same political party. An examination of the party affiliations of members of the Nebraska Commission shows that the great majority have been Republicans. Nebraska has in the past been a Republican state under normal conditions and that party has been able to dominate the Railway Commission. Of the 16 men who have served on the Nebraska Railway Commission 12 have been Republicans. During the greater part of its history all three members have been elected by the Republican party. This situation has placed the Democratic party in the role of critic, and increases in the Democratic representation in the Legislature have at times threatened the existence of the Commission.

The party nominees are selected through the direct primary, a petition signed by 25 voters being sufficient to secure a place for the candidate on the primary ballot. The impression that bosses pick the candidates is widespread, but probably without much foundation. Rather, the primary gives the impression of being a wide open race, in which the most widely known, if not the best qualified, candidate wins.⁹

In general, the pre-election campaigns

exceptional. The following is the result of the 1932 primary vote:

<i>Republicans</i>	<i>Democrats</i>
Floyd Dort.....13,497	Floyd L. Bollen...24,662
John H. Miller.....12,270	K. C. Enudson...14,411
Orville H. Andrews...11,516	John H. Hutchins. 12,491
Harry A. Foster....10,375	E. A. Walrath....11,822
George L. Jackson... 9,419	Phil H. Kohl.....11,295
George C. Porter.... 9,389	Harry K. Easton... 9,748
Richard F. Wood... 7,479	Irl D. Tolen..... 9,721
Henry F. Keiser.... 6,082	George Pierce.... 9,710
Ralph C. Lawrence... 4,955	W. B. Eastham... 8,091
James A. Little.... 4,915	T. O. Merchant... 5,639
Cyrus B. Wall..... 3,356	
H. E. Glatfelder... 2,889	

(Official Report of the Nebraska State Canvassing Board, Primary Election of 1932, pp. 6, 12.)

(Footnote 9 continued on page 45)

⁸ Francis X. Welch, 4 *Public Utilities Fortnightly* 803 (1929), has suggested that an ideal commission would be composed of one lawyer, one engineer, and one banker.

⁹ Examination of the results of the primary elections shows that in most cases real contests for the nomination developed in both parties. Occasionally, an especially well known candidate or a candidate for re-election had an easy time in the primaries, but such cases are

of candidates for the Commission have not attracted a great deal of attention. Political advertisements are run in the leading newspapers of the State, but the advertising is very reserved in character, consisting in most cases of a picture, a list of special qualifications, and some general statements characteristic of political advertisements, such as "Randall on the Commission is a pledge of a square deal for all"; "John E. Curtis—highly qualified for the position he seeks."¹⁰ Occasionally a challenging note creeps into the advertising: "Floyd L. Bollen, candidate for Railway Commissioner. The Commission should serve the people or be abolished."¹¹ Another candidate promises ". . . if elected, to do all things possible to make the State Railway Commission responsible to the needs of the producers on the farm, the men who pay excessive freight, as well as to the railroads."¹² Still another candidate seeks favor by making vague threats against federal control of freight rates: "the Interstate Commerce Commission has assumed that they alone control intra as well as inter-state rates and that state Commissions are only advisory. So far they have made this stick. It is time to assert our state rights."¹³

A retiring commissioner has charged that unfair political speeches have done much to lower the prestige of the regulatory body in the eyes of the people. Candidates will tell the public of great rate reductions to come at an early date if they are elected. Regardless of the

personnel of the regulatory body, such rosy promises are generally not carried out because they are impossible promises.¹⁴ Public resentment, however, is often turned against the Commission, rather than against the candidate who resorts to political insincerity.

The Nebraska election law provides that candidates file statements of contributions and expenses incurred in the campaign. Corporations are prohibited by law from contributing to campaign funds. The reports filed with the state auditor show that candidates for the Railway Commission spend very small sums in their campaigns, never more than a few hundred dollars.

An election law, however, cannot prevent certain interests from quietly and unofficially working for one candidate and against another, and probably some such aid has been given. Testimony introduced at an investigation conducted by the Federal Trade Commission tended to show that certain electrical utility interests had contributed to the 1926 primary campaign fund of Thorne A. Browne, candidate for re-election to the Nebraska Commission.¹⁵ Mr. Browne, in a statement published in the *Nebraska State Journal*, denied that he had received any such aid:

"If it is anybody's business in Washington, I will say that it is against the law in Nebraska for corporations to furnish contributions to candidates for office. The law requires that the candidate file a statement of contributions exceeding very small amounts,

A lot of candidates hope to win over him at the next primary." (December 25, 1931.)

¹⁰ *Nebraska State Journal* (Lincoln), October 31, 1928.

¹¹ *Ibid.*, November 3, 1924.

¹² *Ibid.*, October 29, 1928.

¹³ *Ibid.*, February 17, 1932.

¹⁴ Statement of Thorne A. Browne, *Nebraska State Journal* (Lincoln), August 26, 1926.

¹⁵ Associated Press Report in *Nebraska State Journal* (Lincoln), January 24, 1929.

(Footnote 9 continued from page 44)

Mr. John H. Miller, the retiring member of the Commission, was defeated for renomination. In regard to his candidacy, the *Nebraska State Journal* stated: "Mr. Miller's election was influenced by support of the Klan, it was alleged at the time of his nomination over Thorne Browne. His name was also said to have been confused with that of John E. Miller, prominent merchant who has received an award from his fellow citizens of Lincoln for distinguished service. John H. Miller has never received an award for distinguished service.

and also a statement of expenditures. My statement is on file . . . I fought that campaign out almost alone and lost. I failed even to interest my friends in the seriousness of that conflict. If the utilities spent any money in my behalf, it was not well expended."¹⁶

The matter was dropped without any further investigation, but the incident was unfortunate in its effect upon the prestige of the Commission.

During a recent campaign a candidate seized upon the resignation of commissioners to enter the employment of private corporations as campaign material. A pledge not to enter the employment of any corporation subject to the regulation of the Commission was widely published. The pledge made excellent campaign material of the more sensational sort, but could hardly be said to have increased public regard for the Commission upon which the candidate later served.

The examples given are probably not typical, for in the main the candidates have conducted their campaigns in a quiet, dignified manner. Nebraska, however, has not been entirely free from campaign demagogism, the chief result of which has been to lower the prestige of the regulatory body in the eyes of the people of the State.

Length of Service

At least the first year of the six-year term is required for a newly elected commissioner to familiarize himself with the duties of his office. It is reasonable to suppose that the question of re-election handicaps his work during the last year of the term, thus leaving but four years for effective work. If the commis-

sioner is re-elected, the period of effective work is increased in the second term.

Re-election of capable commissioners is common, and with one or two outstanding exceptions deserving commissioners have been retained by the voters as long as they desired to serve on the regulatory body. Re-election has occurred six times in the history of the commission. While the average tenure is only five years, chiefly because of deaths and resignations, there are a number of instances of long service. One commissioner served continuously for over 15 years, while four others served for over eight years each.¹⁷

The Commission has, however, lost heavily from resignations. Five commissioners have resigned during their term of office, and the matter of resignations presents a much more serious problem than the failure to re-elect worthy members. Resignations are partly attributable to salary considerations, although the \$5,000 paid to the commissioners compares favorably with the salaries paid to other state officials, and also compares favorably with the salaries paid by other states to members of their regulatory commissions. Capable men are able to secure more lucrative positions in private employment and so leave public service.

This constant loss of capable commissioners at the time when they become most useful in public service also extends to the loss of staff members. The effect on the efficiency of the organization is apparent, but the weaning away of commissioners and employees has a more sinister effect; it serves to break down public confidence in the regulatory

¹⁶ January 26, 1929.

¹⁷ Mr. Morris Llewellyn Cooke's conclusion that the tenure of the elective commissioner is more secure than that of the appointive commissioner (*op. cit.*, p. 194) was doubtless a surprise to advocates of appointive commissions. A study of the length of service of appointive

utility commissioners in Massachusetts made by Mr. E. W. Morehouse, 5 *Journal of Land & Public Utility Economics* 323 (1929), shows, however, that incumbents served on the average 7.0 years each, a tenure of office two years longer than the average number of years served by members of the Nebraska Commission.

body and to undermine popular belief in the integrity of the regulating mechanism.

In 1918 Mr. Victor E. Wilson resigned from the Commission in order to re-engage in the practice of law. Soon after resigning Mr. Wilson appeared in several important cases in which the Commission was involved. In some quarters it was contended that he was making an unfair use of knowledge, experience, and prestige gained while a member of the regulating body.

Three of the five resigning commissioners have left to enter the direct employment of utility companies. Mr. H. G. Taylor, after long and distinguished service on the Commission, was suggested for appointment to the Interstate Commerce Commission. President Coolidge indicated willingness to make the appointment, but in accordance with the rule of senatorial courtesy called the two Nebraska senators into conference. Both Senators Norris and Howell objected to the appointment;¹⁸ certain statements favoring private ownership of utilities, made by Mr. Taylor while he was serving as President of the Association of Railway and Utility Commissioners, without doubt gave the clew to their objections. Denied this advancement, Mr. Taylor resigned from the Nebraska Commission to accept the position of manager of the Public Relations Section of the American Railway Association.

The next loss to the private utilities was the resignation of Mr. Thorne Browne, who had been connected with the Commission as secretary and commissioner for over 10 years. Mr. Browne, one of the most able men ever to serve on the Commission, had been defeated

for renomination at the primaries, and resigned without finishing his term. After the lapse of a few months Mr. Browne became the director of the mid-west division of the National Electric Light Association.

The latest resignation to enter the private utility field was that of Mr. John Curtis, who left the Nebraska Commission to become associated with the Nebraska-Iowa Power Company. Mr. Curtis filed for re-election, but later withdrew his name and resigned from the Commission. Upon his retirement he observed:

"The Commission is a political graveyard . . . The almost invariable rule with the Nebraska Commission has been that a member's services are dispensed with after a few years with practically no other market left for his trained services except the public utilities. When he enters this field those who are mainly responsible for his change of employers proclaim it as proof of his friendship while in office with the public service corporations. I have had enough."¹⁹

The situation was discussed in an editorial in the *Omaha World Herald* under the caption, "The People Lose":

"Resignation of Chairman John Curtis from the Nebraska State Railway Commission, to accept a position with a power company was not a surprise for it has long been forecast, although at first denied. His departure calls striking attention to the fact that the public is training men, in the Rail Commission, for more lucrative posts with the large utilities, for before Mr. Curtis went Thorne Browne, and before Thorne Browne went H. G. Taylor. No one, perhaps, would insist that these gentlemen refuse flattering offers from private corporations, because they have been in public service. The rewards of public office are not great, and one is subject to the temperamental fickleness of the voters, who do not always reward good service with re-election. But the procession of Rail Commission members to utility posts marks the passing of

¹⁸ H. T. Dobbins, "Regulation by Intimidation of Commissioners," 7 *Public Utilities Fortnightly* 230 (1931).

¹⁹ Quoted by Dobbins, *op. cit.*, p. 229.

the vigor and influence of the rail body, which was originally set up as a safeguard to the people in their clashes with powerful private interests, and has become in recent years a yes-group to utility desires. One's faith in Commissions wanes as the years go on . . .

"The fact that one after another of the able men of the Nebraska State Railway Commission have found highly lucrative posts in the field of privately owned utilities is not conducive to effective work for the public interests by future members. The most able among them will realize that their career in public service, in politics, is a difficult path, beset by many pitfalls. They will perceive that in this day and age the private corporations can pay the high salaries, and can reward with steady promotions, with increasing responsibility its efficient employees. They will have daily contact with the important executives of these private companies and will be given an opportunity of demonstrating their capacity for business leadership. It is a natural tendency, without a shadow of intentional betrayal of public trust, inevitable for both the public official and the private company that makes the value of state regulatory bodies seem doubtful. No one has suggested a remedy, but a remedy must be found, lest the last shred of public safeguard under the present system be lost."²⁰

It is easy to see that there is a real need for a more professional spirit in the regulatory bodies. Public utility regulation needs "career men"—young men of ability, training, and character who will devote their lives to the administration of the relationship of government to public utility service—rather than men who have little interest in the office except as a reward for political services, as a stepping stone to a higher political status, or as a way to a position with a private utility company.²¹

The State of Wisconsin, by the appointment of Mr. David E. Lilienthal of Chicago to a position on its regulatory

body, has set a valuable precedent. The spirit of localism was overcome; Mr. Lilienthal's effective work in the field of regulation was recognized; and Wisconsin secured an outstanding commissioner by the appointment. A system by which it could be possible for an able commissioner to secure advancement to the regulatory body of a larger state, and thus remain in public service, might help to solve the problem of resignations to enter private utility service. Unfortunately, much public opinion and many state laws will have to be changed before states like Nebraska can follow the example set by Wisconsin.

Staff Organization and Expenditures

The Nebraska Commissioners annually elect one of their members as chairman. His duties are to preside at meetings of the Commission and at hearings held before it. The chairmanship changes from time to time, usually being held by a member for no more than two consecutive years. The chairman has no special powers and control of the employees of the Commission is vested in the Commission as a whole, rather than in individuals.

The law organizing the Commission provided for a secretary, to be appointed by the Commissioners for no specific term of office, and whose qualifications were to be the same as those of the Commissioners.²² The salary for the office is \$2,640 per year. Since the establishment of the office of secretary eight persons have held the post—an average tenure of slightly over three years. In the main, the secretary is merely a routine officer, but in some cases he has been able to exercise considerable initiative and discretion, for example, in the settling of informal complaints. The functioning of the office depends to a great

²⁰ August 18, 1930.

²¹ William L. Ransom, *Realism in Regulation* (Chicago, 1932), p. 2. (Address, privately printed.)

²² Session Laws of 1907, p. 313.

extent upon the personality of the secretary and his relations with the Commissioners. Under the more vigorous holders the office has approached the status of an executive secretaryship, thus leaving the Commissioners more free to devote themselves to other aspects of their work. A secretary, while filling his office, gains valuable knowledge of the work of regulation, and it is natural that the Governor select able secretaries to fill vacancies that occur on the Commission.²³

In addition to the secretary, the original staff organization consisted of only two clerks. The present staff has 19 members. The most important of these employees is the rate expert. Long tenure of office is especially desirable in the case of this officer, since the nature of his duties requires that he be well trained in the technique of rate investigation and schedule compilation. The Nebraska Commission was fortunate in being able to retain the services of Mr. V. G. Powell from the time of the creation of the Commission in 1907 until Mr. Powell's death in 1930. Mr. Powell was succeeded by Mr. C. A. Ross, who had been Mr. Powell's assistant for many years. The salary paid to this officer is equal to that paid a commissioner, \$5,000. In the present organization the rate department contains four other employees.

In accordance with an act passed by the Legislature of 1909, providing for the valuation of public service properties,²⁴ the Commission established a department of engineering. The importance of the work of this department is indicated by the fact that its head is paid \$4,200, the second highest salary of the staff officers. The present head of the de-

partment, Mr. B. E. Forbes, has been with the Commission for over 18 years. There are two assistants in the department.

The accountant was first recognized as head of a division in 1924.²⁵ His qualifications must be those of an expert business accountant, as he is called upon to supervise the bookkeeping systems of a number of corporations subject to regulation. Mr. Lawrence W. Kemmer, the present head of the department, has served in various capacities with the Commission since 1919. He has two assistants and the present salary is \$2,640.

A single individual who keeps records of the routes, rates, and bonded liability of bus transportation companies is known as the bus supervisor. Mr. R. E. Powell has been engaged in this work since 1926 at an annual salary of \$1,800.

The legal services for the Commission are furnished by the attorney general's staff, one of the assistant attorney generals being designated as the Commission counsel. In addition to giving legal advice to the Commission, the assistant attorney general represents the Commission in cases tried before the courts and in hearings before the Interstate Commerce Commission. Mr. Hugh La Master has served in this capacity since 1917. Recent Commission reports have urged that, because of the pressure of business, the Commission be accorded Mr. La Master's full-time service. There is no evidence of conflicts arising between the attorney general and the Commission, although such conflicts might very easily develop and, if they did, the Commission would have additional reason for preferring its own legal department.

Below the heads of departments are a number of employees whose work

²³ On three different occasions, the Governor has selected the secretary to fill a vacancy on the Commission.

²⁴ Laws of 1909, p. 424.

²⁵ *Reports of State Railway Commission, 1924, p. 6.*

requires considerable skill and technical knowledge. The assistant secretary and reporter of the secretary's office, the rate clerk of the rate division, the examiner employed by the chief accountant, and the assistant engineer are in this classification. Their tenures of office are rather short because of low salaries and the opportunities offered in private employment. The salary range in this class of employees is from \$1,800 to \$2,640.

Below these expert employees is the usual office force of bookkeepers, clerks, and stenographers, numbering about eight in all. Recruitment is from the commercial field and changes are quite frequent. Salaries are low, ranging from 1,200 to \$1,320 per year.²⁶

The legislative appropriations have grown from \$25,000 for the year the Commission was organized to about \$60,000 a year for the past six years. Prior to 1921 the annual salary paid each Commissioner was \$3,000. In 1921 the salary scale was raised to \$5,000 and necessary travelling expenses.²⁷

Nebraska is now spending on its regulatory body about $4\frac{1}{4}$ cents for each inhabitant. This was, during 1931, .009 of the total State taxes levied.²⁸ This sum, while not large, is about the average spent by the states on regulation.

The Commission in turn collects very little money, as under the law practically all its activities are without charge and free to any citizen of the State. A small charge is made for examining utility securities, and moneys so collected are turned over to the state treasurer to be credited to the general fund.

Under the Nebraska practice the budget of the Commission is submitted to the Legislature by the governor.

Since the Commissioners are not responsible to the Governor, they have felt free to take up their financial needs directly with the legislative committees and the Legislature has been very free in changing the Governor's estimates. A lump appropriation is made by the Legislature, the Commissioners retaining full control of the organization of the staff.

Publicity and Reports

The Commission is very particular to see that adequate publicity is given to its affairs. Each day the secretary gives to newspaper representatives a statement of the matters which have come before the Commission. In addition to this centralized publicity, the individual Commissioners often give statements for newspaper publication.

The Commissioners and staff issue annually a report of their activities, 24 volumes having been published to date. The results of the formal hearings are set out in full; informal hearings are merely noted by indicating the disposal of the case. The applications' of the utilities companies are listed and the result of the request is recorded. Tables indicate the number of cases disposed of and pending on each of the three dockets.

In the main, the material covered by the *Reports* seems to be well arranged and presented. Very little of the reasoning of the Commission in particular cases is included. This is, of course, disappointing. Costs of publication probably account for the fact that the reports are not as complete and detailed as might be desired.

Conclusion

To perform the diverse tasks of regulation, the voters of Nebraska have elected Commissioners whose general

²⁶ Data on personnel and salaries from the *Annual Reports* of the Commission.

²⁷ Session Laws of 1921, p. 198.

²⁸ Statement of Railway Commissioner Drake, *Nebraska State Journal* (Lincoln), April 5, 1932.

qualifications have been good, but most of whom have had to familiarize themselves with utility affairs after taking office. The voters have shown a disposition to continue able Commissioners in office for fairly long periods. The Commissioners, on the other hand, have shown a marked tendency to give up the trials and uncertainties of public service for relatively secure employment with private utilities. This trend has caused many to doubt the value of continuing the Commission. The old formula of longer terms and higher salaries seems to be an inadequate remedy to offer, but that, plus the development of a professional spirit among those engaged in regulation, is about all that can be suggested as a means of keeping able men in the public service.

A larger, better trained and better paid staff will increase the opportunities for good service. Nebraska has had some outstanding experts on the staff of the Railway Commission, but they have been too few in number. The Nebraska Railway Commission is a continuing body, and this continuity is reflected in the stability of its staff organization. Wholesale turnovers have never taken place, and many of the technical employees have served a number of years. This is fortunate, for an able and experienced staff will do much to offset the Commissioners' lack of special training. Political or even personal considerations have not been permitted to disrupt the staff organization in spite of the lack of any formal guarantees against dismissals.

